

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

In Re:	)	
	)	Case No. 22-40026-659
TERRENCE R. LEE,	)	
	)	Chapter 7 Proceeding
Debtors.	)	

**TRUSTEE’S EMERGENCY MOTION TO COMPEL TURNOVER**

COMES NOW Trustee Charles W. Riske (“Trustee”), by and through counsel, and for his Emergency Motion to Compel Turnover (the “Motion”), respectfully states as follows:

1. On January 6, 2022, Debtor Terrence R. Lee (collectively, “Debtor”) filed his voluntary petition under Chapter 7 of the United States Bankruptcy Code.
2. Trustee is the duly qualified and acting Chapter 7 Trustee in this case.
3. Trustee brings this motion, in accordance with the provisions of 11 U.S.C. § 541 and Rule 7001 of the FED.R.BANKR.P, to compel Debtor to deliver property to the Trustee, and accordingly may be prosecuted as a motion as opposed to an adversary proceeding.
4. According to Debtors sworn testimony given at his Meeting of Creditors held on February 1, 2022, Debtor is a beneficiary to a life insurance claim under a New York Life Insurance policy in the amount of \$50,000.00.
5. Because the policy was less than a year old and the insured was murdered, it was unclear that the claim would be paid.
6. Trustee asked Debtor to keep him, and Debtor Attorney informed about the claim and Debtor agreed to do so. Trustee also told Debtor at the 341 meeting that he would be keeping the case open for further developments in the claim.
7. Trustee has been in contact with Debtor Attorney, Charles Taylor, since the 341

meeting to ascertain the status of the claim.

8. On or about July 28, 2022, Debtor Attorney informed the Trustee that Debtor has received the insurance proceeds and that the Debtor has deposited the \$50,000.00 benefit check and an approximate \$1,300.00 interest check to his account at First Community Credit Union.

9. Trustee made demand upon Debtor's attorney for the immediate turnover of the funds. Debtor's counsel advised the Trustee by telephone, on July 29, 2022, that the Debtor informed him that he would bring a cashier's check to Debtor's attorney's office, made payable to "Charles W. Riske – Trustee" for the insurance proceeds and interest, by 2:00 p.m. today, July 29, 2022. Counsel for Debtor advised the Trustee that Debtor did not appear. Trustee has no funds and no information that the promised cashier's check for the proceeds and interest has been tendered to and in the possession of Debtor's counsel. It is in the best interests of the bankruptcy estate that the Debtor be ordered to immediately surrender the sum of \$51,300.00 to the Trustee.

10. Debtor has claimed no exemptions against said insurance proceeds.

11. Upon information and belief, the insurance proceeds are property of the bankruptcy estate, pursuant to 11 U.S.C. § 541, and Debtor is required and should be compelled to surrender the same to the bankruptcy estate.

12. The Trustee seeks and order of this Court compelling Debtor to immediately turn over to the Trustee the insurance and interest proceeds in the amount of \$51,300.00.

13. Pursuant to 11 U.S.C. § 105 and the equitable powers of this Court, Debtor has a duty to cooperate with the Trustee and to surrender property of the bankruptcy estate, and Debtor has breached this duty. Accordingly, Trustee is entitled to recover from Debtor his attorney's fees in the amount of \$720.00 as the costs of filing and prosecuting this motion.

WHEREFORE, Trustee Charles W. Riske respectfully prays this Court enter its Order compelling Debtor Terrence R. Lee to immediately turn over to the Trustee the insurance proceeds in the amount of \$51,300.00, together with Trustee's attorney's fees in the amount of \$720.00, and for any such further relief as this Court deems just and proper.

Respectfully submitted,

CARMODY MACDONALD P.C.

/s/ Robert E. Eggmann

ROBERT E. EGGMANN (MO #37374)

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ATTORNEY FOR CHARLES W. RISKE, TRUSTEE

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this document was filed electronically with the United States Bankruptcy Court and has been served on the parties in interest via email by the Court's CM/ECF system as listed on the Court's Electronic Mail Notice List on this 29<sup>th</sup> day of July, 2022.

The undersigned hereby certifies that a true and correct copy of this document was filed electronically with the United States Bankruptcy Court and has been served by first class U.S. mail, postage prepaid, on this 29<sup>th</sup> day of July, 2022, upon the following parties not served by CM/ECF:

Terrence R. Lee  
1217 Nectar Dr.  
St. Louis, MO 63137

/s/ Robert E. Eggmann